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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,253	02/17/2004	Jay Garfunkle	03-703	9648
20306 7590 12/31/2007 MCDONNELL BOEHNNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			EXAMINER EPPS, TODD MICHAEL	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/780,253	Applicant(s) GARFUNKLE, JAY	
	Examiner Todd M. Epps	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-14 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-14 and 17-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/6/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action **final** after Request for Continued Examination (RCE) for serial number 10/780,253, Table Base, filed on February 17, 2004.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on December 6, 2007 has been considered by the Examiner.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5-10, 12-14, 17-25, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,010,922 to Heller et al. (Heller) in view of U.S. Design Patent No. 447,649 to Mason, and in further view of U.S. Patent No. 3,415,475 to Goodman.

Heller '922 discloses a base (12) having an aperture with internal threads (fig. 2), wherein the base **may** rest upon the floor; a solid one-piece spider plate (22) having an aperture with internal threads (fig. 1), wherein the spider **may** directly receive a table top; and a column (10) having an external surface, a first end having threads on the external surface (fig. 2), a second end having threads on the external surface (fig. 2); wherein the base (12) has a central hub surrounding the aperture (fig. 2), and has a plurality of support veins (50); wherein each of the plurality of support veins terminates

in a floor pad (90); wherein the central hub of the spider plate is adapted to receive a set screw (28); wherein the spider plate (22) has a central hub surrounding the aperture (fig. 1-2), and has a plurality of unitary support arms (25); wherein each of the plurality of unitary support arms (25) has a plurality of screw holes (36); further wherein each unitary support arm is of substantially equal length; wherein the central hub of the spider plate (22) is adapted to receive a set screw (fig. 2); wherein the base and spider plate are manufactured from iron, and how the iron is formed is a limitation on the method of making not on the product; and wherein the column is a tube, and is manufactured from steel, and wherein the spider plate is unitary structure. However, Heller '922 fails to disclose wherein the base having a dome configuration, and a plurality of unitary support veins extend from the central hub and is located underside of the base. Nevertheless, Mason '649 discloses wherein the one-piece base having a dome configuration (figs. 1-4); a plurality of unitary support veins (fig. 5) extend from the central hub and is located underside of the base (fig. 5); and wherein each unitary support vein is of substantially equal length. Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have modified the base of Heller '922 with the base as taught by Mason '649 because one would have motivated to enhance the structural strength and rigidity of the base.

Next, Heller '922 in view of Mason '649 fails to disclose wherein the dome configuration base having an aperture with internal threads. Attention is directed to Goodman '475, which discloses a dome configuration base having an aperture with internal threads. Accordingly, it would have been obvious to one ordinary skill in the art

at the time the invention was made to have modified the base of Heller '922 in view of Mason '649 to include the base having an aperture with internal threads as taught by Goodman '475 because one would have motivated to provide for superior mounting of the column into the base when both are threadably attached.

Furthermore, Heller '922 in view of Mason '649 does not disclose wherein the dome configuration base with each of the plurality of support veins terminates in a floor pad. Although, Heller '922 discloses floor pads (90). Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have modified the dome base of Heller '922 in view of Mason '649 to include a floor pad at each end of the support veins wherein doing so would provide anti-marking means for the base when the base is being moved.

Claims 11, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller '922 in view of Mason '649, in further view of Goodman '475 and in further view of U.S. Patent No. 4,081,012 to Wallace.

Regarding claim 11, Heller '922 teaches the previous invention wherein the column having threads on the external surface on both ends, but fails to specifically teach threads having an adhesive. Nevertheless, Wallace '012 teaches the well-known concept of having an adhesive on threads (fig. 1). Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have modified the threads of Heller '922 with an adhesive on threads as in Wallace '012 so as to provide for superior mounting of the column on a vertically extending object.

Response to Arguments

Applicant's arguments filed December 6, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that Heller's base (12) is not the same as the base claimed by applicant. The Examiner respectfully disagrees. Attention is directed to Heller's reference, column 3, line 15, wherein Heller discloses a base member (12) to support a column (10). However, in the previous action, the applicant will see that the Examiner never point-out that Heller's base was a one piece construction. Furthermore, applicant will see that the previous office action above, where Mason '649 teaches a one-piece base having a dome configuration with a plurality of unitary support veins extend from the central hub and is located underside of the base.

Next, applicant argues that Heller does not disclose a base rest upon the floor. The Examiner completely disagrees. Attention is directed to the applicant's claims 1 and 19 wherein the base **may** rest upon the floor. Accordingly to Merriam-Webster's Collegiate Dictionary *Tenth Edition*, the word "**may**" means - used to indicate possibility or probability. With Heller's reference, the base **may** contact the floor upon heavy load on top of base. Nevertheless with the modification, the applicant will see that Mason do in fact teach where the base rest upon the floor.

Furthermore, applicant argues that Heller's spider plate is a multi-component spider plate, not a one-piece spider plate. The Examiner clearly disagrees. Attention is directed to figure 2 of Heller's reference, the applicant will see that the spider plate (22)

having an aperture with internal threads (26) and support arms (25) all together are in one-piece construction.

Similarly, applicant argues that Heller's spider plate do not directly receives a table top. Again, both claims 1, and 19 recite wherein the spider plate **may** directly receive a table top. In this case, Heller's one-piece spider plate may directly receive a table top. See the word "**may**" in the dictionary above.

At last, applicant argues that Goodman's base is not a solid one-piece base. It is irrelevant whether a base is a solid one-piece base. Since Heller '922 in view of Mason '649 fails to disclose wherein the dome configuration base having an aperture with internal threads. Although, Heller '922 discloses wherein the base having an aperture with internal threads. Attention is directed to Goodman '475, which discloses a dome configuration base having an aperture with internal threads. Accordingly, it would have been obvious to one ordinary skill in the art at the time the invention was made to have modified the base of Heller '922 in view of Mason '649 to include the base having an aperture with internal threads as taught by Goodman '475 because one would have motivated to provide for superior mounting of the column into the base when both are threadly attached.

Conclusion

This is a Request Of Continued Examination (RCE). All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the

earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Todd M. Epps
Patent Examiner
Art Unit 3632
December 21, 2007



A. JOSEPH WUJCIAK III
PRIMARY EXAMINER
TECHNOLOGY CENTER